

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.88 OF 2016  
IN  
REVIEW PETITION (STAMP) NO.120 OF 2016**

Babaji Raoji Padharkar. .. Applicant  
Vs.  
Balu Maruti Bhakare & Ors. .. Respondents

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Mr. R. D. Soni i/b Ram & Co. for Applicant.  
Ms. Anjali Helekar for Respondent No.6.  
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**CORAM : R.D. DHANUKA, J.**  
**DATE : 2<sup>nd</sup> September 2016**

P.C.

. By this civil application, the applicant seeks condonation of delay of 86 days in filing the review petition on the grounds set out in the civil application.

2. Civil application is vehemently opposed by the learned counsel appearing for the respondent no.6 on the ground that the delay is not properly explained in the civil application.

3. The applicant has filed a review petition seeking review of the part of the order passed by this Court on 9<sup>th</sup> September 2014 in Second Appeal No.441 of 2014 by which this Court has made various observations in respect of part of the impugned order which was subject matter of the second appeal. Thereafter, the second appeal had appeared before this Court on 19<sup>th</sup> November 2015. Learned counsel appearing for the applicant (original appellant) sought time to file review petition

against the order dated 9<sup>th</sup> September 2014. This Court accordingly granted adjournment to file review petition. Application for adjournment was made after arguing the matter for sometime.

4. A perusal of the civil application filed by the applicant indicates that the applicant has explained and justified the delay of 86 days in filing the review petition. The learned Judge of this Court who had passed the said order dated 9<sup>th</sup> September 2014 has been transferred to another Court.

5. After considering the averments made in the civil application and objection raised in the affidavit-in-reply filed by the respondent no.6, I am of the view that the applicant has sufficiently explained the delay of 86 days in filing the review petition.

6. For the reasons recorded in the civil application and in view of the fact that there is no substance in the objection raised by the respondent no.6 in opposing 86 days delay in filing the review petition, the delay of 86 days in filing the review petition is condoned. Civil application is disposed of in aforesaid terms.

7. Learned counsel appearing for the respondent no.6 seeks time to file affidavit-in-reply in the review petition till 20<sup>th</sup> September 2016.

8. Affidavit-in-reply shall be filed on or before 20<sup>th</sup> September 2016 and a copy thereof shall be served upon the applicant's advocate. Rejoinder, if any, shall be filed on or before 27<sup>th</sup> September

2016 and a copy thereof shall be served upon the learned advocate representing the respondent no.6 simultaneously.

9. Place the review petition on board for 'Admission' on 3<sup>rd</sup> October 2016. Ad-interim order granted by this Court to continue till the next date.

***R.D. DHANUKA, J.***